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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,252	08/08/2001	Abuzar Syed	US 18017	2793

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09/22/2003

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EXAMINER

YOON, TAE H

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,252

Applicant(s)

SYED ET AL.

Examiner

Tae H Yoon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited "polyolefin" lacks an antecedent basis in claim 14.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Burton (US 6,017,986).

Note that claims 13-23 are included in the rejection even though claim 13 is silent as to olefin polymers claimed in claim 1 since claim 14 recites "the polyolefin" and since an omission of said olefin polymers from claim 13 seemed to be an error.

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Burton teaches a radiation-resistant polyolefin composition comprising a polyolefin and the instant aliphatic compound in abstract. Said polyolefin has Mw/Mn of less than 7 and MFR of 0.5-10 g/min (col. 2, line 41 to col. 3, line 17 and table I). Mixing before melt extruding is taught at col. 4, lines 18-21 and examples. The recited limitations in claims 3-9 and 15-21 are optional components when said claims are combined with claims 1 and 13 wherein the Markush group is recited. With respect to claim 25, the polyolefin of Burton encompasses the instant polyolefin absent particular properties of the mandatory (or first) polyolefin.

Thus, the instant invention lacks novelty.

Claims 1-8, 10-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syed (US 6,046,273) in view of Burton (US 6,017,986).

Syed teaches acrylate-grafted polypropylene in abstract and at col. 2, line 35 to col. 4, line 6. MMA/MAA and MMA/MeAc grafted polypropylenes are seen in table 1. The addition of an impact modifier such as an olefin copolymer rubber meeting the claim 24 is taught at col. 5, lines 7-12.

The instant invention further recites an unsaturated aliphatic compound such as fatty oils over Syed who teaches oils at col. 6, line 41.

Burton teaches the use of instant oils for polyolefins in order to improve radiation and heat resistances in abstract.

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It would have been obvious to one skilled in the art at the time of invention to utilize oils of Burton in Syed since Syed teaches thermal stabilization and employing oils and since said oils are known to improve radiation and heat resistances.

Claims 1-10 and 12--22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pillar (US 4,032,481).

Pillar teaches epoxidized soybean oil containing polystyrene composition in abstract and at col. 3, lines 54-55, and said epoxidized soybean oil inherently possesses the instant iodine number. Claim 1 only recites a blending step. Other polymers such as polyolefin or grafted copolymer are optional components. Thus, the instant invention lacks novelty.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al (US 6,107,377).

Nakamura et al teach polypropylene resin composition (abstract) and employing additional resin such as polybutadiene (col. 4, line 12). A process of blending is taught at col. 11, lines 23-33.

It would have been obvious to one skilled in the art at the time of invention to blend said polybutadiene in the polypropylene resin composition of Nakamura et al since Nakamura et al teach such modification and since choosing a specie from the disclosed species is considered a *prima facie* obviousness.


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Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Tae H Yoon
Primary Examiner
Art Unit 1714

THY/September 16, 2003